REMARKS

Applicants gratefully acknowledge that claims 5-7, 24 and 39-57 have been indicated as allowable. Claims 1-19, 21-35 and 39-57 are pending in the subject application. Claims 1-3 and 39 have been amended. The amendments to claims 1-3 and 39 are supported by the specification as filed, and no new matter is presented. Claim 39 has been amended as requested by the Examiner.

Applicants respond to the prior Final Office Action as follows.

Claims 1-4, 12-16, 19, 21-23 and 25-33 Are Novel Over Le et al

Claims 1-4, 12-16, 19, 21-23 and 25-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Le et al (US Pat#6,355,027) in view of applicant's own disclosure. Applicants respectfully traverse the rejection.

The claims as amended require, "the flexible cannula and the second cannula form an infusion fluid path." Nowhere does Le disclose, teach or suggest a "flexible cannula and the second cannula form an infusion fluid path." In fact, the Examiner, at page 6, paragraph 2 of the Final Office Action admits that Le does not teach or suggest this required feature of the claims. The catheter tube 16 and a strain relief 14 described by Le is in no way an infusion fluid path. In contrast, the strain relief of Le serves as adjunctive component designed to relieve stress from a functional component of the device and is designed to reinforce the catheter in the area where the user applies force on the catheter. In other words, the strain relief of Le is not the second cannula required by Applicants' claims. Applicants' second cannula is a functioning part of the fluid delivery portion of Applicants' microcannula system wherein the inner diameter of the second cannula transfers the solution to the flexible cannula and into the retinal vein. Support may be found in the specification at least at page 14, lines 12-26, which recites:

> * * *the intraocular part of the microcatheter system is composed of a hybrid of two different size cannulae 2, 14. In addition to the above-described cannula 2 that is inserted into the retinal vein lumen, the microcatheter system further comprises a larger cannula 14 that encases a portion of the cannula 2.
>
> In a preferred embodiment, the larger cannula 14 forms the part of the microcatheter system that is placed just inside the eye. The larger cannula 14 provides the rigidity necessary to pass it into the eye without damage and is less flexible than the smaller cannula 2.* * *

Thus, the strain relief 14 of Le is not a second cannula required by the claims. Le's strain relief is merely a portion of the device that joins the luer connector to the catheter tube and is formed so as to relieve stress and reinforce the catheter in the area where the user applies force on the catheter.

As Le does not disclose, teach or suggest each claim limitation, and it is impermissible for the Examiner to cite Applicants' own disclosure against applicant to teach the missing elements, Applicants' claims are non-obvious over Le.

Accordingly, claims 1-4, 12-16, 19, 21-23 and 25-33 are patentable over Le, and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 8-11 and 17-18 Are Novel Over Le et al

Claims 8-11 and 17-18 have been rejected under 35 U.S.C. §103(a) as being obvious over Le. Applicants respectfully traverse for the reasons set forth above regarding Le.

As Le does not teach or suggest each claim limitation, and it is impermissible for the Examiner to cite Applicants' own disclosure against applicant to teach the missing elements, Applicants' claims are non-obvious over Le.

Accordingly, claims 8-11 and 17-18 are patentable over Le, and reconsideration and withdrawal of the rejection is respectfully requested.

Claims 34 and 35 Are Novel Over Le et al In View of Castora et al

Claims 34 and 35 have been rejected under 35 U.S.C. §103(a) as being obvious over Le in view of Castora (US Pat # 5,947,296). The Examiner asserts that Castora discloses a catheter kit with multiple catheters packaged in one kit and that it would have been obvious to package

the catheter of Le as per the organization of Castora. Applicants respectfully traverse the rejection.

As stated above, Le does not disclose, teach or suggest each of Applicants' claim limitations. Castora, like Le, does not disclose, teach or suggest, "the flexible cannula and the second cannula form an infusion fluid path." Thus, Castora does not cure the deficiencies of Le. Therefore, the present claims are novel over Le in view of Castora. Accordingly, claims 34 and 35 are patentable over Le in view of Castora, and reconsideration and withdrawal of the rejection is respectfully requested.

Allowable Subject Matter

The Office indicates that claims 39-57 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in this Office action and the include all the limitations of the base claim and any intervening claims.

Applicants respectfully submit that there were no 35 U.S.C. §112, second paragraph rejection(s) in the Office action. However, in a previous Office action, the Office rejected a number of claims based on 35 U.S.C. §112, second paragraph.

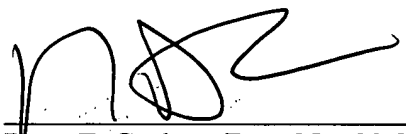
Applicants respectfully submit that rejections based on lack of antecedent basis in claim 39 have been remedied and, thus, the 35 U.S.C. §112, second paragraph, rejection has been overcome. Applicants have amended claim 39 to include the limitations of claim 1 as suggested by the Examiner. Accordingly, claims 39-57 are believed to be in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

It is believed that the application is in condition for immediate allowance, and Applicants respectfully request early favorable action by the Examiner.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,



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